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Date of Signature and Deposit: November 17, 2005

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peggy J. Farnham, et. al

Date: November 17, 2005

Serial No.: 10/620,532

Group Art Unit: 1642

Filed: 7/16/2003

Examiner: Aeder, Sean E.

Title: LIVER TUMOR MARKER SEQUENCES

File: 960296.98750

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to an office action dated September 23, 2005 in the above-identified application, which imposed a requirement for restriction on applicants, applicants provisionally elect Group II and SEQ ID NO:4 and traverse the restriction requirement below.

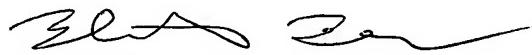
The present invention belongs to the field of biotechnology and according to MPEP 803.04, the Commissioner has decided *sua sponte* to partially waive the requirements of 37 CFR 1.141 *et seq.* (restriction requirements) for biotechnology inventions and permit a reasonable number of nucleotide sequences to be claimed in a single application. According to MPEP 803.04, ten independent and distinct nucleotide sequences will be examined in a single application without restriction. Applicants believe that the same applies to amino acid sequences. Applicants respectfully request that SEQ ID NO:2 be examined together SEQ ID NO:4.

The restriction requirement is also traversed in that such requirements are optional in all cases. MPEP § 803. If the search and examination of a set of claims can be made without serious burden, the Examiner must examine them on the merits, even though they may arguably be directed at distinct or independent inventions. MPEP § 803. Applicants respectfully submit that

groups I-IX are directed at highly related subject matter and thus can be examined together without serious burden. On the contrary, it will be unnecessarily burdensome on both applicants and the patent office to consider the highly related subject matter in several separate patent applications. This is especially true for SEQ ID NO:2 and SEQ ID NO:4, which represent homologous proteins that share a high degree of identity.

A petition for one month extension of time accompanies this response so that the response will be deemed to have been timely filed. If any other extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,



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